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SUBJECT: KHARTOUM LEGISLATIVE ASSEMBLY PASSED THE  
CONSTITUTION OF KHARTOUM STATE

REF: Khartoum 1053

¶1. SUMMARY: The Khartoum Legislative Assembly (KLA) unanimously passed the draft constitution of Khartoum State on May 13, 2006, after the Joint NCP and SPLM High Committee resolved the 4 pending controversial points: status of Khartoum state with Sharia law and special courts for non-Muslims, Arabic being named the official language in Khartoum with protections for English, the oath of the governor following the national oath, and the oaths of the ministers and the parliamentarians also reflecting the national oaths (reftel). A fifth issue, the distribution of power in the localities between the NCP and SPLM, will be decided on by the Presidency in consultation with the governor of Khartoum. The CPA does not directly address this issue. KLA has now sent the draft constitution to the Federal Ministry of Justice for ratification. If there are no substantial changes, the constitution will be return for the signature of the governor of Khartoum state and speaker of KLA. End Summary.

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Points Agreed Upon  
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¶2. After boycotting the first committee discussion on the initial NCP proposal for the Khartoum constitution in March, the SPLM again boycotted the first general assembly session to discuss this compromise draft, held on May 6. However, once the SPLM had time to fully review the draft, they approved it unanimously. The preamble of the draft constitution is adapted from the Switzerland constitution that recognizes the diversity of the country.

¶3. Under the compromise, Khartoum is defined as the national capital, and a symbol of national unity. The compromise also defines Sudan as a pluralistic country in creed, ethnicity, culture and language, where `the rule is for God who created the people as expressed in all heavenly religions. (Note: this is the only verse taken from the Koran. End Note.) The rights of non-Muslim should be protected as enshrined in the interim national constitution, article 157. Sharia law will be allowed in Khartoum, but there will be special courts for non-Muslims.

¶4. The first article of the constitution states that Arabic shall be the official language in Khartoum state; while the second article states that there shall be no discrimination between Arabic and English.

¶5. The oath of office of the governor of Khartoum state, controversial because of the religious aspects in the first draft, will now follow the oath of the President of the Republic of Sudan. For the same reason, the oath of the ministers of Khartoum state is parallel to the oath

of federal ministers, and the oath of the members of KLA is inline with the oath of the members of National Assembly (NA).

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Unresolved Point  
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¶6. The only unresolved point is the power sharing in the localities of Khartoum state, which is not described in the CPA. The Presidency and the governor of Khartoum state are assigned to frame a formula for the allocation and distribution of power sharing between NCP and SPLM in the localities of Khartoum state.

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Acceptance and Caution  
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¶7. It is the general feelings of the members of KLA, including the SPLM, that the comprised reached by the High Committee is fair and satisfactory. However, they expect to see fair power sharing in the allocation and distribution in the localities of Khartoum state.

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